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*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

September 22, 2004

WRITER'S DIRECT NUMBER:
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INTERNET ADDRESS:
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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Mail Stop: Amendment

Re: U.S. Utility Patent Application
Application No. 09/705,940; Filed: November 6, 2000
For: **Dry Powder Cells and Cell Culture Reagents and Methods of
Production Thereof**
Inventors: Fike *et al.*
Our Ref: 0942.4290006/RWE/FRC

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form (PTO/SB/17);
2. Fifth Supplemental Information Disclosure Statement;
3. Listing of the cited documents on Form PTO-1449 (7 sheets);
4. A copy of each of the thirty-two (32) cited documents on Form PTO-1449;
5. Credit Card Payment Form (PTO-2038) in the amount of **\$180.00** to cover the IDS fee; and
6. Return postcard.

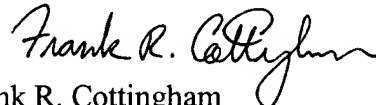
It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
September 22, 2004
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

FRC/pcd
Encls.

312696v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fike *et al.*

Appl. No.: 09/705,940

Filed: November 6, 2000

For: **Dry Powder Cells and Cell
Culture Reagents and Methods of
Production Thereof**

Confirmation No.: 7464

Art Unit: 1636

Examiner: Lambertson, D.

Atty. Docket: 0942.4290006/RWE/FRC

Fifth Supplemental Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§1.56, 1.97 and 1.98.

The numbering of this Fifth Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Fourth Supplemental Information Disclosure Statement filed on January 29, 2004, in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to the non-English language documents **AO5** and **AP5** cited on Form PTO-1449:

Document **AO5**, Japanese Patent No. 59-501933, is in the Japanese language. An unverified English language abstract of document **AO5** is attached as document **AR19**.

Document **AP5**, Japanese Patent No. 60-248172, is in the Japanese language. An unverified English language abstract of document **AP5** is attached as document **AS19**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is

09/23/2004 FHETEKI1 00000035 09705940 Applicants have listed publication dates on the attached PTO-1449 based on

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180.00 0P

information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

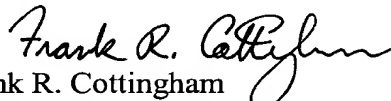
This Fifth Supplemental Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is a PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

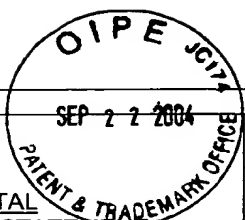
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham
Attorney for Applicants
Registration No. 50,437

Date: SEPT. 22, 2004
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

FORM PTO-1449
FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENTATTY. DOCKET NO.
0942.4290006APPLICATION NO.
09/705,940FIRST NAMED INVENTOR
Fike et al.FILING DATE
November 6, 2000ART UNIT
1636

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA4	2,835,586	05/20/1958	Peebles, D.	99	56	07/27/1953
	AB4	4,053,642	10/11/1977	Hup et al.	426	36	06/12/1975
	AC4	4,673,649	06/16/1987	Boyce et al.	435	240	07/15/1983
	AD4	5,773,061	06/30/1998	Getler et al.	426	285	05/15/1996
	AE4	6,140,121	10/31/2000	Ellington et al.	435	374	10/17/1996
	AF4	6,627,426	09/30/2003	Biddle et al.	435	243	05/23/2000
	AG4	2004/0087022	05/06/2004	Fike et al.	435	404	10/16/2003
	AH4	2003/0153079	08/14/2003	Fike et al.	435	404	12/02/2002
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FOREIGN PATENT DOCUMENTS

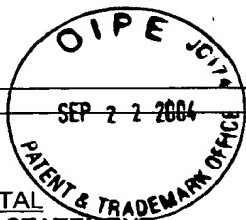
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL5	WO 84/04107	10/25/1984	WIPO			Yes No
	AM5	WO 95/00031	01/05/1995	WIPO			Yes No
	AN5	WO 95/13865	05/26/1995	WIPO			Yes No
	AO5	JP 59-501933	11/22/1984	Japan			x Yes No
	AP5	JP 60-248172	12/07/1985	Japan			x Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS	<u>13</u>	Barritault, D., et al., "Is There a Ubiquitous Growth Factor in the Eye? Proliferation Induced in Different Cell Types by Eye-Derived Growth Factors," <i>Differentiation 18</i> : 29-42, Springer-Verlag (1981).
	AT	<u>13</u>	BBL Manual of Products and Laboratory Procedures, Fifth Edition, pp. 161-162 (1973).

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.



FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		ATTY. DOCKET NO. 0942.4290006	APPLICATION NO. 09/705,940
		FIRST NAMED INVENTOR Fike et al.	
		FILING DATE November 6, 2000	ART UNIT 1636

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FOREIGN PATENT DOCUMENTS

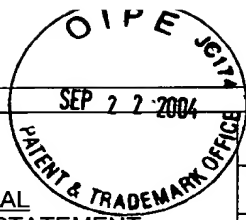
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>14</u>	Cohen, S., "Isolation of a Mouse Submaxillary Gland Protein Accelerating Incisor Eruption and Eyelid Opening in the New-born Animal," <i>J. Biol. Chem.</i> 237: 1555-1562, The American Society of Biological Chemistry, Inc. (1962).
	AS	<u>14</u>	Fassolitis, A.C., <i>et al.</i> , "Serum Substitute in Epithelial Cell Culture Media: Nonfat Dry Milk Filtrate" <i>Applied and Environmental Microbiology</i> 42:200-203, American Society for Microbiology (1981).
	AT	<u>14</u>	Fike, R., <i>et al.</i> , "Advanced Granulation Technology (AGT™). An alternate format for serum-free, chemically-defined and protein-free cell culture media," <i>Cytotechnology</i> 36: 33-39, Kluwer Academic Publishers (2001).

EXAMINER	DATE CONSIDERED
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Page 3 of 7	
FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 0942.4290006 APPLICATION NO. 09/705,940 FIRST NAMED INVENTOR Fike et al. FILING DATE November 6, 2000 ART UNIT 1636

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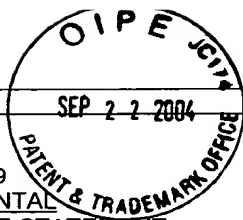
FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>15</u>	Gilchrest, B.A., <i>et al.</i> , "Characterization and Partial Purification of Keratinocyte Growth Factor From the Hypothalamus," <i>J. Cellular Physiology</i> 120: 377-383, Alan R. Liss, Inc. (1984).
	AS	<u>15</u>	Lambert, K.J., and Birch, J.R., "Cell Growth Media," in <i>Animal Cell Biotechnology</i> , Vol. 1, pp. 85-122. Spier, R. E., and Griffiths, J. B., Eds., Academic Press, Inc., London (1985).
	AT	<u>15</u>	Maciag, T., <i>et al.</i> , "An endothelial cell growth factor from bovine hypothalamus: Identification and partial characterization," <i>Proc. Natl. Acad. Sci. USA</i> 76: 5674-5678, National Academy of Sciences (1979).

EXAMINER	DATE CONSIDERED
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FORM PTO-1449 FIFTH SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT		Page 4 of 7	
		ATTY. DOCKET NO. 0942.4290006	
		APPLICATION NO. 09/705,940	
		FIRST NAMED INVENTOR Fike et al.	
FILING DATE November 6, 2000		ART UNIT 1636	

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>16</u>	Maciag, T., <i>et al.</i> , "An Endocrine Approach to the Control of Epidermal Growth: Serum-Free Cultivation of Human Keratinocytes," <i>Science</i> 211: 1452-1454, American Association for the Advancement of Science (1981).
	AS	<u>16</u>	Peehl, D. M., and Ham, R. G., "Growth and Differentiation of Human Keratinocytes without a Feeder Layer or Conditioned Medium," <i>In Vitro</i> 16: 516-525, Tissue Culture Association (1980).
	AT	<u>16</u>	Radominski, R., <i>et al.</i> , "Production-Scale Qualification of a Novel Cell Culture Medium Format," <i>BioPharm</i> 14: 34-39, Invitrogen Corporation (July 2001).

EXAMINER	DATE CONSIDERED
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	AP						Yes No

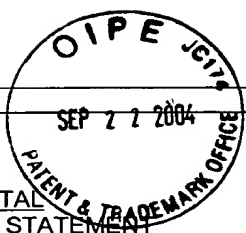
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>17</u>	Ringer, S., "Concerning the Influence Exerted by Each of the Constituents of the Blood on the Contraction of the Ventricle," <i>J. Physiology</i> 3: 380-393, Cambridge Scientific Instrument Company's Works (1880).
	AS	<u>17</u>	Sigma-Aldrich Catalogue pp. 1553, 1634 (1996).
	AT	<u>17</u>	Tritsch, G. L., and Moore, G. E., "Spontaneous Decomposition of Glutamine in Cell Culture Media," <i>Exp. Cell Res.</i> 28: 360-364, Academic Press (1962).

EXAMINER

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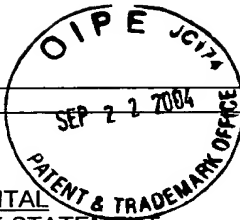
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>18</u>	Wang, R.J., and Nixon, B. T., "Identification of Hydrogen Peroxide as a Photoproduct Toxic to Human Cells in Tissue-Culture Medium Irradiated with "Daylight" Fluorescent Light," <i>In Vitro</i> 14: 715-722, Tissue Culture Association (1978).
	AS	<u>18</u>	Waymouth, C., "Construction and Use of Synthetic Media," in Cells and Tissues in Culture, Vol. 1, pp 99-142. Willmer, E. N., Ed., Academic Press, NY (1965).
	AT	<u>18</u>	Waymouth, C., "Osmolality of Mammalian Blood and of Media for Culture of Mammalian Cells," <i>In Vitro</i> 6: 109-127, Tissue Culture Association (1970).

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APPLICATION NO.
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	19	Unverified English language abstract for JP 59-501933 (Document AO5), available on line at www.p4.patolis.co.jp/service/e/HWWE036 (accessed August 26, 2004)
	AS	19	Unverified English language abstract for JP 60-248172 (Document AP5), available on line at www.p4.patolis.co.jp/service/e/HWWE036 (accessed August 26, 2004).
	AT		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

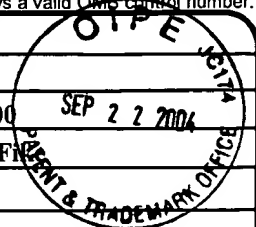
Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number 09/705,940
 Filing Date November 6, 2000
 First Named Inventor Richard Milton Fox
 Examiner Name Lambertson, D.
 Art Unit 1636
 Attorney Docket No. 0942.4290006/RWE/FRC



METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☒ Other** ☐ None

☐ **Charge any deficiencies or credit any overpayments in the fees to Deposit Acct. No. 19-0036.

 Deposit Account Number 19-0036
 Deposit Account Name Sterne, Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 **=	X	
Multiple Dependent	- 3 **=	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

180.00

SUBMITTED BY

(Complete if applicable)

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